

REMARKS

Applicant respectfully traverses the Examiners objections to applicant's previous amendments to the specification and drawings under 35 U.S.C. §132 on the grounds that the amendments introduce new matter into the disclosure of the invention by adding "pivot pin connections 17 and 19" to the specification and drawings (FIG's. 1-3 and 5-7).

In support of this traverse, applicant points out the original specification in the paragraph bridging pages 6 and 7 stated:

"cutting device 10 preferably includes a first leg 12 and second leg 14 pivotally mounted to head member 16.

Applicant amended this passage to state:

"cutting device 10 preferably includes a first leg 12 and second leg 14, both pivotally mounted to head member 16 at pivot pin connections 17 and 19.

Then in the paragraph bridging pages 9 and 10 the original specification stated:

"The cutting device of the present invention provides for compound leverage as a moment of force is supplied about both hubs where the legs 12 and 14 are pivotally connected to the head member 16 and in turn provide a stronger force to the connector and cutting blade in an axial direction along the slot 40 of head member 16"

Applicant amended this passage to state:

"The cutting device of the present invention provides for compound leverage as a moment of force is supplied about both hubs where the legs 12 and 14 are pivotally connected to the head member 16 at pivot pin connections 17 and 19 and in turn provide a stronger force to the connector and cutting blade in an axial direction along the slot 40 of head member 16"

Applicant submits that the un-amended passages set forth above from the original specification provided clearly stated that "the legs 12 and 14 are pivotally mounted to head member 16 " or "pivotally connected to the head member 16". This language clearly supports the language added by applicant of "pivot connections 17 and 19".

Nonetheless, if it will expedite the prosecution of the subject application, applicant is willing to delete: "at pivot pin connections 17 and 19" from the two passages referred to above; delete "17 and 19" from page 12; and delete reference nos. 17 and 19 from FIG's 1-3 and 5-7. In this respect, if the Examiner wishes to accept this offer, the Examiner can amend the specification by Examiner's Amendment and applicant will file corrected drawings upon receiving a Notice of Allowance.

The Examiner's rejection of claims 1-6, 8-11, 13-18, 20-23 and 25-32 under 35 U.S.C. §102(b) for being anticipated by the Huang U.S. Patent No. 5,373,639 as this rejection may be attempted to be applied to the amended claims 1-32, is respectfully traversed.

In support of this traverse one must first look at the teachings of Huang.

Huang teaches a pipe cutter including first and second handles 40 each pivotally connected to a hollow head member 10. A blade means 20 is reciprocally in the hollow head 10 and across a mouth 17 for cutting a pipe received in the mouth 17.

These elements find some commonality with applicant's cutting device.

Huang then teaches a transmission means 30 or linkage mechanism 30, much like a pantograph, and comprising a pair of long links 31 pivotally connected to each other intermediate their ends and pivotally connected to a handle 40 at a lower end. Then a short link 32 is connected to the upper end of each link 31 and pivotally connected to the other link 32 and to a lower extending part 22 of the blade means 20.

When the handles 40 are moved away from each other, the linkage mechanism (transmission means) 30 moves the part 22 down thereby moving the blade means 20 downwardly out of the hollow head member 10 thereby moving a blade 21 out of the mouth 17 and into the hollow head member 10.

Then when the handles 40 are moved toward each other, the transmission means or linkage mechanism 30 moves the part 22 upwardly thereby moving the blade 21 of the blade means 20 into the mouth 17.

While applicant's cutting device and Huang's pipe cutter both move a blade in and out of a transverse slit 100 or passage way 12 in a head member and in and out of a cutting chamber or mouth, they do it in different ways with different structure.

Huang uses a linkage mechanism.

Applicant uses a connector pin connected to at least one leg (handle) and to a cutting blade movable in a slit 100 (passage way 12 in Huang) with the connector pin movable in a slot in the head member. There is no connector pin, no slot and no connection of a handle with a pin to a cutting blade in Huang.

Huang does not teach or suggest a connector pin that operatively connects a first leg and a cutting blade as called for in the amended claims. Huang does not teach or suggest a slot in the head member in which the connector pin is moveable.

As brought out in the amended claims now even more clearly,

"when the first and second legs are in an open position, the cutting blade is in a retracted condition within the transverse slit in the head member, and when the first leg is pivoted about its pivot connection to the head member to a closed position, the connector pin is caused to move in the elongate slot generally along an axis of said slot to cause the cutting blade to move relative to the transverse slit and across the cutting chamber into cutting engagement with the cutting surface of the shield portion." *Emphasis added.*

Huang does not function in this manner and does not provide or suggest structure that functions in this manner.

For the foregoing reasons, applicant submits that Huang does not teach or suggest applicant's claimed cutting device.

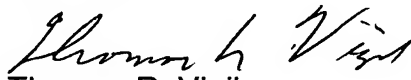
The allowability of Claims 7 and 12 is noted.

Also the indication of allowable subject matter in claims 19 and 24 is noted. However, for the reasons set forth above, applicant believes amended claim 14 from which claims 19 and 24 indirectly depend is allowable such that amendment of claims 19 and 24 into independent form is unnecessary.

An earnest endeavor has been made to place this application and the amended claims thereof into condition for allowance by defining now even more clearly applicant's claimed structure in the claims and an early and favorable action to that end is requested.

Respectfully submitted,

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